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DEPARTMENT FOR INL (SIMIC)  
EUR/SCE (PETERSON)  
DOJ FOR OPDAT (ACKER)  
ICITAP (DUCOT)

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TAGS: [KCRM](#) [KJUS](#) [SNAR](#) [SR](#)  
SUBJECT: FY 2009 PROJECT PROPOSAL SOLICITATION FOR INL LAW  
ENFORCEMENT AND CRIMINAL JUSTICE SYSTEM DEVELOPMENT PROJECTS

REF: STATE 53341

11. (SBU) Summary: This is a Response to Action Request that solicited and provided instructions for preparing criminal justice-related project proposals to be funded with FY 2009 INCLE, ESF, Support for Eastern European Democracy Act (SEED) and FREEDOM funds. The response encompasses proposals from OPDAT (Resident Legal Advisor Program) and the ICITAP Program Manager (Resident Senior Law Enforcement Advisor), the ICITAP Organized Crime/Terrorism Senior Police Advisor program, the ICITAP Anti-Corruption Senior Police Advisor program and the ICITAP War Crimes Investigations Service Senior Police Advisor program.

12. (SBU) OPDAT RESIDENT LEGAL ADVISOR BELGRADE PROPOSAL

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(A) TITLE/ESTIMATED COST/PRIORITY  
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OPDAT Resident Legal Advisor Program- RLA Staff and Administrative Expenses, \$1,036,000; Priority #1 out of 1  
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(B) BACKGROUND TO THE REQUEST  
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Since the October 2000 fall of Slobodan Milosevic's regime and subsequent re-establishment of Embassy Belgrade, strengthening the rule of law in Serbia has been one of the Embassy's top priorities. It is necessary for improvements in Serbia's economy, political stability, democratic institutions, and conflict prevention.

Serbian justice-sector needs include strengthening the capacity to prosecute war crimes, organized crime and corruption as well as overarching criminal-justice reform. Capacity building of domestic war crimes prosecutions will help both ensure the International Criminal Tribunal of Yugoslavia (ICTY) closeout and restore stability in Serbia and the region. Serbia also has a continuing need to develop the capacity for prosecution and adjudication of organized crime, especially after the assassination of Serbian Prime Minister Zoran Djindjic in March 2003. This need has been highlighted repeatedly in recent months by the President of Serbia and other top government officials.

Furthermore, to enhance democratic institutions, promote foreign investments, and integrate into Europe, public corruption must be combated more effectively. Finally, Serbia needs to complete long-awaited overall reform of the criminal justice system that would bring it into compliance with international standards and make it more efficient. Accordingly, efforts are ongoing to reform the Criminal Procedure Code, Criminal Code, Organized Crime Law and other relevant laws.

The Serbia RLA program began in October 2003. The RLA office worked on several critical issues in the initial phase of establishing the rule of law in Serbia and Montenegro and later in Serbia. The RLA office has assisted in institution-building through the delivery of equipment donations and grants to the Special Court for War Crimes and Organized Crime, War Crimes and Organized Crime Prosecutor's Offices, police Witness Protection Unit and court's Victim/Witness Assistance Service, thereby providing the groundwork for effective prosecutions and trials of war crimes and organized crime. The RLA office also has provided training seminars in these countries in order to promote key anti-crime tools, such as witness protection and victim/witness support, as well as special investigative techniques for use in sophisticated cases involving, for example, organized crime and corruption. The RLA office has helped the Serbian Ministry of Justice to draft a number of key laws, including the Witness Protection Law, War Crimes Law Amendments, Organized Crime Law

Amendments, Criminal Code Amendments and the Asset Forfeiture Law.

The RLA office also was active in facilitating regional cooperation in obtaining evidence and witness testimonies, both in specific cases and through the establishment of the South Eastern Europe Prosecutorial Advisory Group (SEEPAG). The RLA office helped achieve regional cooperation in the areas of war crimes and witness protection, resulting in the signing of a bi-lateral MOU between Serbia and Bosnia and Herzegovina on cooperation of their victim/witness support services as well as a multi-lateral MOU between Serbia, Bosnia and Herzegovina, Montenegro, Bulgaria and Macedonia on cooperation in witness protection. Additionally, the RLA office coordinated rule of law assistance in Serbia and Montenegro provided by other U.S. agencies, including the U.S. Marshal's Service, the Federal Bureau of Investigation (FBI), the Drug Enforcement Agency (DEA), the Office for International Affairs (OIA) and the Office for Special Investigations (OSI).

As a result of the RLA office's efforts, a much more solid base, and a successful track record, for sophisticated criminal prosecution and justice-sector reform has been established in Serbia. First, the War Crimes Prosecutor's Office has relentlessly conducted domestic war crimes prosecutions against war crimes perpetrators regardless of their ethnicity or rank. Furthermore, the War Crimes Prosecutor also became the Coordinator of the Serbian Government's Action Team for apprehending the remaining ICTY fugitives, which presently constitutes a pre-condition for Serbia's EU accession. Although these efforts have been internationally applauded, they are continuing and need further support.

Likewise, in the midst of applicable training, equipment assistance and study visits, the Organized Crime Prosecutor's Office obtained convictions in key cases. However, numerous major narcotics trafficking, money-laundering, and other financial-crime cases, remain ongoing and require further support.

Third, an excellent institutional foundation has been laid for combating corruption, a major Post

priority. An efficient fight against corruption is one of the crucial points in Serbia's efforts to increase foreign investment and advance along the path to EU accession and European integration generally. Serbia is still in transition from the Milosevic era, in which crime and government were closely linked. The fight received a boost with last year's establishment of corruption specialization within the Republic Prosecutor's Office and four large District Prosecutor's Offices. The newly established departments should coordinate work of all prosecutors' offices in Serbia as to corruption crimes and financial crimes connected to corruption. The Anti-Corruption Department within the Chief Republic Public Prosecutor's Office will also be in charge of recusals and referrals in corruption cases, initiating legal reforms to enable more efficient fight against corruption, international cooperation in combating corruption, etc.

Furthermore, recent amendments to the Organized Crime Law provide for an expanded jurisdiction for the Organized Crime Prosecutor's Office, to include high-profile corruption cases-cases involving public officials appointed or elected by the Government, Parliament, High Judicial Council or State Prosecutorial Council or those where the value involved exceeds two million dinars. In addition, FY 2009 saw the passage of the Law on Asset Forfeiture, which will present a strong tool in combating corruption as well as organized crime.

Moreover, there have been key corruption prosecutions. However, more such cases need to be brought, and this will require ongoing training for the new anti-corruption specialists and the implementation of certain now-pending legislation that is supported by the RLA office.

Finally, it is expected that overall criminal justice legislative reform will culminate soon, with specific assistance from the RLA office. Early in FY 2009, key criminal-justice legislation was passed, including the Asset Forfeiture Law, laws reforming the court system and judge-selection system, laws reforming the system of prosecutor's offices and prosecutor-selection system, and the Law on Liability of Legal Entities. FY 2009 saw the passage of not only the several aforementioned laws, but also key amendments to the Criminal Code that expand its scope and enforcement mechanisms. By the end of FY 2010, we anticipate that a new Criminal Procedure Code will be enacted, with support from the RLA office. Our efforts to help the Serbian justice system implement these laws should extend over the next few years.

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(C) PROJECT DESCRIPTION

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The OPDAT program in Serbia (hereinafter, the "OPDAT Program"), from 2006 until November 2009, featured two RLAs. The "Embassy RLA" has taken the lead in the areas of war crimes, organized crime and general criminal justice reform. The "Anti-Corruption RLA," a position established in 2006, focused on corruption and corruption-related crimes, advising Serbian prosecutors and judges to assist in the implementation of Serbia's new anti-corruption strategy and to help Serbia prosecute corrupt public officials more generally.

Due to budget constraints for FY 2009, the Anti-Corruption RLA's slot, which was vacated by the outgoing incumbent as of November 2009, will remain vacant for a period of time. Accordingly, this proposal envisions the

Embassy RAL serving alone, without an Anti-Corruption RLA, with the hope that at some point increased funding will permit the return of an Anti-Corruption RL.

Realizing that the Embassy RLA will need to cover, to the extent feasible, anti-corruption issues formerly covered by the Anti-Corruption RLA, several programs merit a detailed description.

1) War Crimes Institutions Capacity Building Program (\$90,000).

In the war crimes area, the Embassy RLA will continue to build the capacity of the War Crimes Court and the War Crimes Prosecutor's Office. In light of the approaching ICTY close out, we will seek to strengthen the professional capacity of domestic war crimes prosecutors and judges by enabling them to exchange experience with ICTY prosecutors and judges. Moreover, the OPDAT Program will also seek to advance regional cooperation in war crimes prosecution, by promoting bi-lateral cooperation and supporting Serbia's participation at multi-lateral conferences and trainings.

2) Organized Crime Institutions Capacity Building Program (\$79,730).

In the area of organized crime (including aspects of money laundering, financial crime, and drug trafficking), Embassy RLA assistance will focus on legislative amendments aimed at enhancing both the independence of the specialized organized-crime institutions and law-enforcement tools such as asset forfeiture and special investigative techniques (i.e., electronic surveillance, simulated business and legal services, undercover agents, controlled deliveries, and cooperating witnesses). The RLA Program will plan training courses and workshops for the organized-crime institutions regarding crucial

organized-crime issues such as the new law on criminal liability of legal entities. In addition, the Embassy RLA will promote regional and international cooperation, including better use of international legal assistance mechanisms, by sponsoring Serbian participation in regional organized crime conferences and providing training on international issues.

Moreover, financial expertise and consulting is needed to assist organized-crime prosecutors in analyzing complex financial transactions, including sophisticated money-laundering and bribe payment schemes. Such financial expertise is also necessary to identify assets and help implement the new Asset Forfeiture Law. Even experienced prosecutors lack sufficient financial expertise and understanding of the financial transactions. It is crucial that prosecutors learn how to analyze complex financial transactions in order to be able to investigate, track the money, analyze financial documents, specify requests for witness expertise and reach informed and intelligent decisions. Accordingly, as in years past, the Embassy RLA Program will continue to fund the work of a forensic accountant to work with prosecutors in the Organized Crime Prosecutor's Office on specific cases, with appropriate oversight from the Embassy RLA. Such case-based mentoring is intended not only to help achieve successful results in specific cases, but also to help build the capacity of these prosecutor's to conduct these cases in general in the future.

### 3) General Criminal Procedure and Justice Reform (\$175,000).

The Embassy RLA will continue to improve the legislative framework of the domestic criminal justice system as a whole. The Embassy RLA will support completion and adoption of a new Criminal Procedure Code (CPC), which is still being drafted but likely will be enacted in the first half of 2010. The Embassy RLA will continue to provide legislative drafting assistance, including advice on American experiences and best practices, and financial support for legislative drafting retreats. The Embassy RLA also anticipates post-adoption training courses that will help justice officials successfully implement a more efficient criminal procedure - including plea bargaining, the leading role of the prosecutor in the investigation, expanded use of special investigative techniques and close cooperation between prosecutors and police. Training also will focus on exposing judges and prosecutors to the new CPC in general. As part of general criminal justice reform, assistance will also be rendered in the reform of appellate institutions.

### 4) Anti-Corruption (\$40,000)

Although basic anti-corruption institutions have been established and certain key laws have been enacted, there is a clear need to build capacities of these institutions. This will be pursued by the Embassy RLA, until an Anti-Corruption Advisor returns to Belgrade. The Embassy RLA will provide one or more corruption-specific training courses for prosecutors, judges and police, and hold periodic roundtables bringing together members of the anti-corruption departments to discuss corruption-related topics such as investigative strategies and legal theories of criminal liability.

5) RLA Administrative Cost (\$651,270) supports the work of the RLA Program through funding of the salaries of the RLA Staff, office expenses, ICASS, etc.

It is important to note that the Embassy RLA program

in Serbia has historically been instrumental in fostering additional key program activities; the Embassy RLA Program in Serbia was instrumental in establishing an OPDAT Anti-Corruption Program, addressed below, which complements the Embassy RLA's activities but focuses predominately on corruption.

The Embassy RLA Program has accomplished much. Highlights of achievements include the creation of a fully functioning War Crimes Court and Prosecutor's Office. The Embassy RLA played a role in the establishment of the Court and, with U.S. Marshals, assisted in the security design of the courthouse facility (which is used also for organized crime trials) and the training of special court personnel. Another highlight is Embassy RLA's work to establish domestic and regional witness protection systems and, with U.S. Marshals, to train Serbia's witness protection unit. Serbia's new witness protection law was implemented in January 2006 and the witness protection unit has successfully protected and relocated dozens of persons so far. Embassy RLA assistance also has contributed greatly to several key crime-fighting laws, including the asset forfeiture law and amendments to the criminal code, which have been passed or are expected to pass soon. The Serbian government supports the RLA's efforts and

recognizes the importance of the topics the Embassy RLA focuses on.

Although basic institutions have been established and certain key laws have been enacted, there is a clear need to strengthen the legal framework, build up the professional capacity of these institutions, introduce and assist in implementation of criminal justice reform and strengthen regional cooperation in criminal prosecutions. This assistance program will help build the capacity of domestic institutions to successfully prosecute and adjudicate war crimes, organized crime and corruption cases, as well as to support much-needed reform of the criminal justice system in general. The assistance program outlined in this project proposal is in alignment with U.S. interests in Serbia and Serbia's priorities. Such assistance is based on the furtherance of U.S. policy in promoting the ICTY close-out strategy, the fight against transnational organized crime, and the establishment of a stable and democratic state and in Serbia, with a strong rule of law foundation and strong anti-corruption mechanisms.

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#### (D) GOAL, OBJECTIVES & PERFORMANCE INDICATORS

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GOAL: The overall goal of the Embassy RLA Program is to create and sustain a modern criminal justice system in Serbia with the capacity to efficiently investigate, prosecute and adjudicate criminal cases, including but not limited to war crimes, organized crime, and corruption cases.

##### OBJECTIVES AND PERFORMANCE INDICATORS:

1) OBJECTIVE: Further strengthen Serbia's legislative framework, technical capacity and regional cooperation to effectively prosecute and adjudicate war crimes cases.

##### INDICATORS:

- a) More efficient work of the War Crimes Prosecutor's Office and Special Court, including 10 new investigations, indictments and judgments, especially involving mid-level police/ army officials.
- b) At regional bi-lateral meetings or multi-lateral conferences, Serbian war crimes prosecutors and judges discussed the cooperation issues with their counterparts from other countries, resulting in at least one evidence transfer between the countries.
- c) Serbia concludes at least one formal agreement

regarding evidence transfer or joint investigations with at least one other country in the region.

2) OBJECTIVE: Further strengthen Serbia's legislative framework, technical and professional capacity and regional cooperation to effectively prosecute and adjudicate organized crime cases, including money laundering, financial crime, and drug trafficking cases.

##### INDICATORS:

- a) Amendments to the Organized Crime Law recently adopted by the Parliament, providing for more independence and expanded jurisdiction for the Organized Crime Prosecutor's Office, are successfully implemented via use of cases invoking the expanded jurisdiction.

b) Amendments to the Criminal Procedure Code are proposed by the working group and adopted by the Parliament, providing for expanded and better regulated use of special investigative techniques.

c) More efficient work of the Organized Crime Prosecutor's Office and organized crime special court department, including 10 new investigations, indictments and judgments, especially involving drug trafficking.

d) At least three instances of successful proceedings to forfeit assets derived from organized crime.

e) At regional bi-lateral meetings or multi-lateral conferences, Serbian organized crime prosecutors, judges and police discuss cooperation issues with their counterparts from other countries, resulting in at least one instance of cross border cooperation on a specific case.

3) OBJECTIVE: Effect reform of the Serbian justice system in general, including criminal procedure code reform.

a) A new Criminal Procedure Code, enabling more efficient criminal proceedings in investigation, prosecution and adjudication of criminal cases, including appellate review, is adopted by the Parliament.

b) New investigative techniques and other tools envisaged in the anticipated new Criminal Procedure Code of the Republic of Serbia, such as Plea Bargaining, Pre-trial Conference and increased investigatory role of the prosecutor are used in practice, not only by organized crime and war crimes police and prosecutors, but by police and prosecutors of general jurisdiction.

c) Amendments to the Criminal Code incorporating the obligations undertaken from international conventions and providing for more strict sanctions are successfully utilized.

d) New judicial system laws adopted in December 2008, aimed at more effective criminal proceedings, court and prosecutor's work, judicial independence and accountability (Law on Judges, Law on Prosecutors, Law on Courts, Law on State Council of Prosecutors, Law on High Court Council) are successfully implemented.

4) OBJECTIVE: Building capacities of anti-corruption departments, general prosecutors' offices and the Organized Crime Prosecutor's Office to handle corruption and financial crime cases

#### INDICATORS:

a) Serbia has a track record of successful, nonpartisan corruption prosecutions and the prevailing public perception is that government officials can no longer be corrupt with impunity. Prosecutors

actively investigate corruption cases in a nonpartisan manner.

b) Anti-corruption departments achieve specific results including opening of 5 new corruption cases.

c) Amendments to the Organized Crime Law recently adopted by the Parliament, providing for more independence and expanded jurisdiction for the Organized Crime Prosecutor's Office, are successfully implemented via use of cases invoking the new jurisdiction over corruption cases.

d) The Organized Crime Law expanding the jurisdiction of the Organized Crime Prosecutor's Office to include high-profile corruption cases.

e) Improved capacities to identify assets gained through criminal activities that resulted in at least four successful asset forfeitures.

f) Improved capacities for conducting financial crime investigations resulting in at least two successfully completed major financial crime cases.

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(E) SUSTAINABILITY

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In light of the current financial conditions and declining budgets, the Embassy RLA program has taken into consideration the sustainability issue and has emphasized this component of its activities. The Embassy RLA continues to assist the Serbian government in handling the scores of war crimes cases that already exist from the Balkan and Kosovo conflicts but have not been prosecuted, as well as organized crime cases. An improved functioning domestic criminal court system, as contemplated by new laws enacted in December 2008, will be a sustaining institution to help Serbia seek justice and fully integrate Serbia into the international community. The Embassy RLA understands that in light of the ICTY close-out strategy, additional assistance will be required for the domestic war crimes institutions. The Embassy RLA presence in the region for the last six years significantly has improved the capacity, independence and professionalism of the War Crimes and Organized Crime Prosecutor's Offices and their corresponding special courts, although additional assistance is still much needed. However, the War Crimes and Organized Crime institutions are on the path of becoming fully self-sustainable, which is the Embassy RLA goal.

Enacted and expected legislative reforms embodying modern approaches to specialized investigative techniques, plea bargaining, task forces and witness security as well as revisions to the substantive criminal code, contribute lasting support to a solid legal framework to strengthen the rule of law and to combat crime. Bearing in mind sustainability considerations, our trainings are very practical, because we believe that the best way to train Serbian judges and prosecutors regarding topics on which they lack experience (e.g., plea bargaining), is to make the participants do practical exercises themselves, so that they learn from doing. This in turn enhances the sustainability of our programs.

The Embassy RLA program in Serbia is specifically geared toward ensuring that the improvements to the criminal justice system are sustainable. Successful completion of proposed projects should result in more robust and sustainable criminal justice institutions in Serbia, and render law enforcement officials better able to interact credibly with counterparts in the United States and throughout the region.

The anti-corruption programs outlined herein will be

far more sustainable in the event that subsequent funding is sufficient to once again station an Anti-Corruption RLA in Belgrade. Until then, the Embassy RLA will strive to ensure that gains made in the anti-corruption area are not lost to the absence of an anti-corruption RLA. It bears repeating, however, that sustainability of the anti-corruption program is undoubtedly best assured by



the stationing of an Anti-corruption RLA in Belgrade

The project is designed to ensure the permanency and professional capacity of the Special Court for War Crimes and Organized Crime Court. Effective and professional work of these institutions is critical to successful Euro-Atlantic relationships and to the establishment of a strong Rule of Law in Serbia. Furthermore, legislative and training assistance aim to ensure reform and optimal operation of the criminal justice system as a whole and its compliance with international standards.

To date, Serbia has cooperated closely with our assistance programs and has taken steps in the direction of necessary legal reforms and establishment of vital criminal justice institutions. We expect this cooperation to continue in the future as well, resulting in an effective criminal justice system capable of prosecuting and adjudicating complex war crimes, organized crime, corruption and other serious crime cases. This type of a criminal justice system would be the best guarantee of the Rule of Law in Serbia.

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(F) TIMELINE

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All of the herein mentioned activities are multi-year in nature with a phase out to begin in 2014 or upon Serbia's accession into the European Union. However, having in mind the budget decrease, the general phase out may begin sooner with the intensified phase out in 2014 or upon Serbia's accession into the European Union.

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(G) MONITORING AND EVALUATION

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All employees in the RLA office work to some degree on performance management, whether in program planning, assessment participants' views of our training efforts, evaluation of effectiveness of our use of financial resources, or in some other way. We collect performance data as frequently as circumstances require and permit.

Our most common form of performance data is the collection of participants' evaluations at the conclusion of each of our training courses and study visits. Through these written evaluations, we can obtain a picture, quantified to some degree, of the extent to which our offerings are considered effective, and the ways in which they can be improved.

Another area of performance measure relates to the passage of legislation. We track whether legislation that we have supported ? either by sitting on the legislation's working group or otherwise ? is ultimately passed by Parliament and, if so, the extent to which it is passed in the form recommended or supported by us.

In June 2009, a team from INL and EUR/ACE visited Belgrade for a week and visited with Serbian contacts as part of their review of an overall rule-of-law assistance strategy for the entire country. Other than finalizing that rule-of-law strategy with INL and EUR/ACE in the aftermath of their visit, we do not have scheduled, or anticipate, any imminent evaluations

13. (SBU) ICITAP PROPOSAL NO. 1

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(A) TITLE/ESTIMATED COST/PRIORITY

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ICITAP Investigative Training and Development Program for Serbia (PM/Senior Law Enforcement Advisor) - SLEA staff and administrative expenses, \$496,763.48; Priority# 1 out of 4

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#### (B) BACKGROUND TO THE REQUEST

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Following several assessment visits, ICITAP was added to the embassy's criminal justice programming with the posting of a veteran Program Manager/Senior Law Enforcement Advisor (SLEA) to Belgrade in November of 2004. Additional Senior Police Advisors for Organized Crime/Terrorism and War Crimes, respectively, were deployed over the next eight months. An additional Anti-Corruption Senior Police Advisor was added in 2009. Since the inception of ICITAP Serbia, the SLEA has worked with Serbian Police management regarding police reform and institutional development, and has provided oversight to the development of professional capacities in the Serbian Police Organized Crime, War Crimes and Anti-terrorist units, along with oversight of the additional Anti-corruption portfolio established in 2009.

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#### (C) PROJECT DESCRIPTION

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ICITAP proposes that FY2009 funding provide for the continued implementation of multi-year program initiatives. Consequently, this plan calls for further development and achievement of many of the current program objectives.

This funding will provide for 12 months of a resident, embassy-based ICITAP Program Manager/SLEA to provide oversight and guidance to various program components, to work with POST as a senior law enforcement advisor on all police reform issues, and to ensure an integrated justice reform effort with OPDAT, other U.S. law enforcement agencies and international donors. This funding will also cover all associated administrative & support costs, agency overhead and fees.

ICITAP's Organized Crime/Terrorism, War Crimes and Anti-Corruption initiatives are coordinated with all U.S. rule of law entities via the SLEA's membership in embassy's Secure and Stable Serbia Goal Implementation Group (GIG). The SLEA currently co-chairs this GIG. The SLEA ensures that program initiatives are fully supportive of the goals, strategies and tactics enumerated in the embassy's Mission Strategic Plan. ICITAP's Senior Law Enforcement Advisor and OPDAT's Resident Legal Advisors coordinate activities to stress a task force mentality in all program activities by promoting the sharing of training resources and the inclusion of a range of responsible Serbian enforcement, prosecutorial and judicial staff in training and development initiatives. Donations are also designed to be complimentary to other programs. Experience to date has shown considerable synergy between the program initiatives of ICITAP, OPDAT, FBI, EXBS, Treasury and Regional Security Offices. Likewise, the Senior Law Enforcement Advisor actively participates in the coordination of program initiatives with other international police donors.

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#### (D) GOAL, OBJECTIVES & PERFORMANCE INDICATORS

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Goal: To create and sustain a modern police investigative system in Serbia with the capacity to proactively identify, investigate, apprehend, and meaningfully participate in the successful prosecution of those responsible for organized crime, terrorism, war crimes, corruption and other criminal activities, in concert with the institutional development and reform of Serbia law

enforcement entities.

Objectives and Performance Indicators:

1) Objective: Provide effective leadership for, and management of, program goals, objectives and strategies.

Indicators:

a) Ongoing communication with embassy officials, funders, international police donors and program staff to articulate, refine, reinforce and achieve program goals, objectives and strategies. Ensure efficient use of program resources and material.

b) Develop office control systems to catalogue, assess and maximize resources.

c) During the program year, continuous oversight of ICITAP program management, coordination with embassy rule of law stakeholders, continuing coordination with international organizations, such as OSCE, UNDP, etc.

d) Contribute to overall embassy goals, cables, reporting requirements in relation to rule of law issues.

e) Regular consultations with GOS rule of law leadership, Director of Police and other Ministry of Interior officials related to institutional development, personnel development and best practices related to rule of law and law enforcement.

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(E) SUSTAINABILITY

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The general management-based philosophy utilized by DOJ/ICITAP throughout the world is evident in this proposal. Ongoing sustainability is a direct product of DOJ/ICITAP's emphasis on building progressive management capacities while continuously utilizing "train-the-trainers" methodologies; every training workshop offered will include individuals who have undergone instructor development training and/or who will be responsible for the replication of the instruction. Furthermore, real-time promotion and observation of new skills are emphasized by daily co-location of advisors. Lastly, written protocols enabling donations spell out the legal obligations of the recipient entity as to proper assignment, deployment and maintenance of the donated equipment.

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(F) TIMELINE

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The activities are multi-year in nature with a phase out of the Rule of Law activities to begin in 2014 or upon Serbia's accession into the European Union.

14. (SBU) ICITAP PROPOSAL NO. 2

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(A) TITLE/ESTIMATED COST/PRIORITY

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ICITAP Senior Police Advisor Investigative Training and Development Program for Serbia (Organized Crime/Terrorism) \$179,412.18; Priority# 2 out of 4

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(B) BACKGROUND TO THE REQUEST

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The Government of Serbia's commitment to enhance its capacity to address the myriad facets of organized crime was clearly demonstrated by the creation of a specialized police unit. The staff selection process, compensation packages and equipment resources also reflected the

priority being placed on the new Organized Crime department. Since the creation of this unit, the Ministry of Interior has undergone reorganization consistent with the new Law on Police, placing the Organized Crime Department back within the traditional Crime Police structure. While there was some controversy over this change as it relates to independence, the change appears to be for understandable management reasons and is assessed to not represent a dilution of commitment. To compliment these police resources, special prosecutors have been identified to focus on organized crime and their working/legal relationship with the police has been enhanced through the efforts of ICITAP and OPDAT. Recent cases involving the arrests of a Supreme Court Justice, a bankruptcy mafia and officials for corruption at highway toll stations demonstrated the use of USG promoted specialized skills, teamwork and commitment. The cases also served as useful reminders that organized crime and corruption did not evaporate with the conclusion of Operation Saber, the crime dragnet following the assassination of Prime Minister Djindjic. The current Minister of Interior and the Director of Police have both voiced their desire to work closely with the ICITAP office regarding police reform and institutional development. Both have also expressed the need for substantial capacity building in the development of investigative skills and in the acquisition of material resources specifically geared to fighting organized crime and corruption. Ready access to top command and management staff and dedicated co-located office space are two tangible indicators of the GOS commitment.

Since its inception, ICITAP-Serbia has made significant progress working with the Serbian Organized Crime Police. Of particular note, the ongoing workshop training series of Organized Crime Certification courses has 1) brought a common base of expertise to the investigative and prosecutorial staff, 2) has promoted the task force and regional mentalities necessary and 3) has introduced a level of sustainability to this professional development process by preparing and integrating local trainers. Likewise, the ICITAP-provided training workshops and donated equipment have been cited by the Ministry as making significant critical contributions to recent major investigations, arrests and prosecutions.

All ICITAP initiatives are coordinated through Post's Rule of Law Goal Implementation Group (GIG), the Ministry of Interior's Office of International Cooperation and European Integration, and other international assistance stakeholders; the OSCE, other embassies, etc. It should be noted that OSCE's Mission to Serbia has a signed Memorandum of Understanding with the Serbian Ministry of Interior. This instrument, dated November 17, 2004, defines the areas of OSCE assistance to the ministry (Police Accountability, Organized Crime, Border Policing, Community Policing, Police Education and Development, Crime Scene Management/Forensics, War Crimes and Strategic Planning/Development. In addition to these eight specific areas of assistance, this document asks OSCE to assist the ministry's Bureau for International Cooperation in the coordination of international assistance.

ICITAP's assistance related to this project is distinguishable from OSCE initiatives in several ways: ICITAP's advisor is co-located with the operational staff of this unit; ICITAP offers daily practical-level, hands-on training and advisory service to field personnel; a

task force philosophy permeates all advice and training (e.g. regular linkage with OPDAT initiatives creates training events with police, prosecutors and judges in attendance); funding for program activities/proposals is secured in advance; ICITAP provides greater sensitivity to the unique law enforcement interests of the United States. Overlap or duplication in effort is minimized by regular dialogue between the two agencies. In fact, the harmony in program elements has lead to several specific partnerships that not only complimented impact but also reduced costs (hostage, forensics and surveillance equipment donations)

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(C) PROJECT DESCRIPTION  
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The ICITAP Senior Police Advisor assigned to Organized Crime will continue to provide day-to-day consultation services to the unit's management and operational staff. Specific assistance and training will address, but not be limited to, the areas of human resources (recruitment, selection, vetting, training and certification) surveillance, undercover operations, informant/cooperative witness management, expert testimony, computer crimes, crime intelligence analysis, electronic interception, money laundering, human trafficking, and drug trafficking. By definition this position will also deal with capacity building in the wide spectrum of transnational crime and the financing of terrorism. Within the limitations of available funding, this position will support other embassy programming initiatives in the area of corruption. This advisor will evaluate unit capacities on a regular basis and use the evolving assessments to propose, design and implement appropriate training workshops. Material donations of specialized equipment will be proposed when deemed complementary to training workshops and/or consultation. The investigative capacity initiatives in the Organized Crimes area will be closely linked with those of the War Crimes and Anti-Corruption Senior Police Advisors so as to promote efficiencies in program offerings.

ICITAP's Organized Crime program will be coordinated with all USG rule of law entities via the embassy's GIG. In particular, ICITAP and OPDAT coordinate their efforts to stress a task force mentality in all program activities by promoting the sharing of training resources and the inclusion of a range of responsible Serbian enforcement staff in presented workshops. Donations are also designed to be complementary to other programs. Experience-to-date has shown considerable synergy between the program initiatives of ICITAP, OPDAT, FBI, EXBS, Treasury and Regional Security Offices.

In the area of organized crime, the ICITAP program has successfully launched a series of specialized workshop training courses to build investigative capacities. These workshops reflect the findings of ongoing needs assessments. In particular, workshops have been completed in the areas of Advanced Surveillance Techniques, Analytical Investigative Methods and Undercover/Informant Management. A U.S. study visit was also hosted for Organized Crime officials to Washington DC and Philadelphia. An array of equipment, coordinated with similar procurements from the FBI and the OSCE, has been donated to support surveillance, crime analysis, tactical interventions and forensics capacities of the police. As outlined in "Background to the Request," ICITAP has developed and implemented a unique certification process for all current and aspirant members of the OC unit.

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(D) GOAL, OBJECTIVES & PERFORMANCE INDICATORS  
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Goal: To create and sustain a modern police investigative system in Serbia with the capacity to proactively identify, investigate, apprehend and meaningfully participate in the successful prosecution of those responsible for organized crime and transnational crime.

1) Objective: Provide ongoing consultation, evaluation and assessments of unit capacities in order to propose, design and implement appropriate training workshops and equipment donations to enhance capacity to effectively investigate organized crime and transnational crime cases.

Indicators:

a) Specific ?certified? training workshop assistance to address, but not be limited to, the areas of human resources (recruitment, selection, vetting and certification), surveillance, undercover operations, informant/cooperative witness management, expert testimony, computer crimes, crime analysis,

electronic intercepts, money laundering, human trafficking, and narcotics trafficking. By definition this strategy will also deal with capacity building in the wide spectrum of transnational crime, the financing of terrorism, and corruption.

b) Material donations of specialized equipment will be proposed when deemed complementary to training and/or consultation. These material donations will likely include equipment such as surveillance equipment, adequate night vision devices, secure communications devices, undercover recording devices, electronic interception devices, protective gear, and case management systems.

c) Coordinate the ICITAP organized crime program with all relevant U.S. law enforcement agencies. Likewise, major initiatives will be coordinated with our key international partners (OSCE, EU and bi-laterals).

d) Enhanced police-prosecutor communication by designing and providing joint workshop training and operational experiences with specific emphasis on capacity building in the area of organized crime (e.g. corruption, human trafficking, narcotics trafficking).

e) Future organized crime unit personnel acquire specialized certification for assignment; 100% of all 27 Police Secretariats in Serbia will have "certified" personnel in their organized crime cadres.

f) Received workshop training and equipment contributes to at least three organized crime investigations and prosecutions during the program year.

g) An interagency approach to organized crime clearly demonstrated in future cases by the deployment of task force investigative groups in at least 3 cases during program year.

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(E) SUSTAINABILITY  
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All ICITAP assistance is focused on the precept of creating sustainability. All workshops include individuals who have undergone instructor development training and who will be utilized as training by the host law enforcement agency. Real-time promotion and observation of new skills are emphasized by daily co-location of advisors. Lastly, written protocols enabling

donations spell out the legal obligations of the recipient entity as to proper assignment and deployment of donated equipment.

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(F) TIMELINE  
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This project is multi-year in nature with a phase out expected to begin in 2014 or upon Serbia's accession into the European Union.

15. (SBU) ICITAP PROPOSAL NO. 3

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(A) TITLE/ESTIMATED COST/PRIORITY  
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ICITAP Senior Police Advisor Investigative Training and Development Program for Serbia (War Crimes Investigation Service) \$179,412.17; Priority# 3 out of 4

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(B) BACKGROUND TO THE REQUEST  
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Given the evolving state of ICTY compliance and the certification requirement from the United States, Post utilizes an ICITAP Senior Police Advisor to support the development of the Ministry of Interior War Crimes investigations Service. The initial focus of this program was an assessment of the capacity of WCIS to fulfill its mandate of investigating war crimes, locating war crimes suspects and presenting evidence useful in prosecution of war crimes suspects.

Initial progress in the area of the war crimes investigative capacity was less robust than in the area of organized crime; primary reasons were political in nature, with a general reluctance in government to be enthusiastic in the pursuit and prosecution of still-popular wartime figures. This milieu continues to change as ascension to the European Union and the associated political pressure is having an effect. The presence of ICITAP has also contributed to the identification and removal of several prominent members of the police WCIS who had controversial Kosovo-based backgrounds. The entire unit has now been vetted for similar backgrounds. The WCIS is now a major player in the government's Action Plan for the search for and arrest of the most prominent war criminals.

ICITAP's programming includes a Senior Police Advisor co-located with the operational staff of the WCIS to provide daily practical-level, hands-on training and consultation to field personnel. A task force philosophy permeates all advice and training (e.g. regular linkage with OPDAT initiatives creates training events with police, prosecutors and judges in attendance).

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(C) PROJECT DESCRIPTION  
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Funding will provide for 12 months of a resident, co-located ICITAP Senior Police Advisor in the Ministry of Interior's War Crimes Investigations Service (WCIS). Primary functions include assisting the Government of Serbia in continuing to enhance development and investigative capacities of the WCIS.

This program is also fully supportive of the goals, strategies and tactics enumerated in Post's MSP.

The ICITAP Senior Police Advisor assigned to the War Crimes Investigations Service will continue to provide day-to-day consultation services to the unit's management and its operational staff. This program calls for

further development and achievement of many of the current program objectives. Specific assistance will address the areas of human resources, to include recruitment, selection, vetting and training, interviewing techniques, documentation of interviews, total case management, investigative databases, international networking with war crimes investigators, domestic and international law related to war crimes and effective coordination and cooperation with non-governmental organizations, in order to promote holistic support for, and protection of, victims and witnesses. The War Crimes Advisor has the important ancillary duty to keep the ICITAP SLEA advised as to when/if the embassy needs to intervene at a political level to promote and sustain the requisite GOS political will for this unit to be successful. Training workshops and material donations will be provided to reinforce unit effectiveness in identifying and investigating war crimes, apprehending fugitive war criminals, and cooperating with prosecutorial authorities. The investigative capacity initiatives in the War Crimes area will be closely linked with those of the Organized Crime Advisor so as to promote efficiencies in program offerings.

ICITAP's War Crimes program will be coordinated with all the USG rule of law entities via the embassy's GIG. ICITAP and OPDAT will continue to stress a task force mentality in all program activities by promoting the sharing of training resources and the inclusion of a range of responsible Serbian enforcement staff in classes to be offered. Donations will also be designed to be complementary to other programs.

ICITAP's War Crimes Investigations Service

initiative continues a process of evaluating/monitoring unit staffing, training, equipment, policy and performance. This ongoing review includes communicating with unit personnel, prosecutors, investigative magistrates, non-governmental organizations, and international collaborators (e.g. UNMIK). The results of this ongoing assessment are used to design practical skills workshops, identify appropriate material donations, and to tailor ongoing expert consultation.

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#### (D) GOAL, OBJECTIVES & PERFORMANCE INDICATORS

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Goal: To create and sustain a modern police investigative system in Serbia with the capacity to proactively identify, investigate, apprehend and meaningfully participate in the successful prosecution of those responsible for war crimes.

1) Objective: Provide ongoing consultation, evaluation and assessments of unit capacities in order to propose, design and implement appropriate training workshops and equipment donations to enhance capacity to effectively investigate war crimes cases.

Indicators:

a) Specific training and consultation assistance will address the areas of human resources (recruitment, selection, vetting and certification), surveillance, undercover operations, informant/cooperative witness management, expert testimony, computer crimes, crime analysis, electronic interceptions, financial crimes and money laundering.

b) Identify, procure and deliver appropriate specialized equipment to facilitate the investigation of war crimes cases.

c) Coordinate the ICITAP War Crimes assistance program with relevant USG law enforcement agencies and relevant international partners.



d) In conjunction with OPDAT, promote closer police-prosecutor communication and cooperation by designing and providing joint police and prosecutor training and operational experiences.

e) Future War Crimes Investigations Service personnel acquire specialized training for assignment to the unit.

f) USG donated equipment and training makes a significant contribution to three war crimes investigations and prosecutions during the program year.

g) An interagency approach to war crimes investigations is clearly demonstrated in future cases by the deployment of task force investigative groups; a minimum of one war crimes case is facilitated as a result of new Serbia-EULEX liaison efforts.

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(E) SUSTAINABILITY  
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All ICITAP assistance is focused on the precept of creating sustainability. All workshops include individuals who have undergone instructor development training and who will be utilized as training by the host law enforcement agency. Real-time promotion and observation of new skills are emphasized by daily co-location of advisors. Lastly, written protocols enabling donations spell out the legal obligations of the recipient entity as to proper assignment and deployment of donated equipment.

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(F) TIMELINE  
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This project is multi-year in nature with a phase out expected to begin in 2014 or upon Serbia's accession into the European Union.

16. (SBU) ICITAP PROPOSAL NO. 4

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(A) TITLE/ESTIMATED COST/PRIORITY  
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ICITAP Senior Police Advisor Investigative Training and Development Program for Serbia (Anti-Corruption)  
\$180,412.17; Priority# 4 out of 4

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(B) BACKGROUND TO THE REQUEST  
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A National Strategy for Combating Corruption has been adopted by Serbia. The strategy drafting process was one of the rare instances of an inter-agency policy development process. The Strategy covered needed pre-conditions for a successful fight against corruption, analyzed the current situation related to corruption, and stipulated broad objectives for a number of Systems and Fields, including the:

- \* Political system
- \* Judiciary and Police system
- \* Public Administration
- \* Territorial Autonomy
- \* Self-government and Public Services
- \* Public Finance System
- \* Economic System
- \* Participation of Civil Society and the Public in

## Combating Corruption.

At the time the Strategy was adopted, the government also accepted an obligation to draft an Action Plan for implementation of the Strategy, which was drafted and adopted. One of the most important tasks set by the strategy was the establishment of an independent and autonomous anti-corruption body.

In an effort to better address both corruption within the police and corruption in general, the Ministry of Interior has established an Internal Control Unit (police investigating police), an anti corruption section with the Organized Crime Department and has assigned investigative police officials to anti-corruption task forces established in the four largest cities in Serbia.

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### (C) PROJECT DESCRIPTION

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The ICITAP Senior Police Anti-Corruption Advisor will continue to provide day-to-day consultation services to the management and operational staff of the Internal Control Unit and the Department for Organized Crime Anti-Corruption Section. Specific assistance and training will address, but not be limited to, the areas of human resources (recruitment, selection, vetting, training and certification) surveillance, undercover operations, informant/cooperative witness management, expert testimony, computer crimes, crime intelligence analysis, electronic interception and money laundering. The Senior Police Advisor will continue to assist in implementation of Serbia's anti-corruption strategy, and continue to assist in developing the capacities of Serbia's police to identify, investigate and prepare corruption cases for successful prosecution.

The advisor will continue providing training and consultation related to identifying and investigating corruption cases, assisting local efforts to conduct public corruption investigations, and monitoring attempts to subvert or weaken implementation of the anti-corruption strategy. The advisor will continue assessing

and addressing specialized areas of need in terms of expert advice and specialized equipment for corruption investigations, including increasing capacity to conduct financial crimes investigations, obtaining specialized expertise (such as forensic accountant) and appropriate training for police, prosecutors and judges. Special attention will be given by the advisor to corruption cases illustrating systemic weaknesses in law and governance often revealed during democratic/free market transitions (e.g. privatization, procurement, banking & electronic fund transfers, and ethics procedures).

The ICITAP Anti-Corruption Advisor will continue coordinating with all USG law enforcement agencies. Likewise, major initiatives will be coordinated with key international partners (OSCE, EU and bi-laterals).

This program is designed to work in tandem with a comparable OPDAT position, the OPDAT Anti-Corruption Legal Advisor. This unified U.S. Department of Justice assistance teamwork will promote closer police-prosecutor communication by designing and providing joint training and operational experiences to ensure guidelines, goals and objectives are linked and accomplished for maximum results.

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### (D) GOAL, OBJECTIVES & PERFORMANCE INDICATORS

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Goal: To create and sustain a modern police investigative

system in Serbia with the capacity to proactively identify, investigate, apprehend and meaningfully participate in the successful prosecution of those responsible for corruption; to improve and enhance the competencies, capacities, and capabilities of the police to raise the standard of accountability and transparency of public officials and the police; resulting in fostering trust and improved relations with the citizenry of Serbia.

1) Objective: Provide ongoing consultation, evaluation and assessments of unit capacities in order to propose, design and implement appropriate training workshops and equipment donations to enhance capacity to effectively investigate corruption cases; improve the MOI's Anti-Corruption activities through modern investigative methodologies and investigative techniques training.

Indicators:

- a) 50 percent of MOI personnel assigned to various anti-corruption investigation operations and support trained in interviewing/interrogation, case management, surveillance, undercover operations, informant/cooperating witness management, expert testimony, computer crimes, crime analysis and electronic intercepts.
- b) Eight MOI personnel identified and trained to serve as trainers.
- c) Collect and monitor data on public opinion of the police with the aim of seeing an improvement in community-police relations by the third year of the project.
- d) Demonstrate an interagency approach clearly demonstrated in future cases by the deployment of task force investigative groups; a minimum of three corruption cases facilitated by police - prosecutorial liaison efforts.
- e) Minimum of 50% "positive impact" ratings from post-training impact surveys.
- f) Improve the MOI's logistical support equipment for investigating cases of public and police corruption.
- g) Provide I-2 Criminal Analysis Software to the Analytical Unit of the MOI to support the investigations of the ICU, OCD and WCIS.
- h) Anti-Corruption units make a significant contribution to at least three corruption investigations and prosecution cases.

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(E) SUSTAINABILITY  
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All ICITAP assistance is focused on the precept of creating sustainability. All workshops include individuals who have undergone instructor development training and who will be utilized as training by the host law enforcement agency. Real-time promotion and observation of new skills are emphasized by daily co-location of advisors. Lastly, written protocols enabling donations spell out the legal obligations of the recipient entity as to proper assignment and deployment of donated equipment.  
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(F) TIMELINE  
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This project is multi-year in nature with a phase out expected to begin in 2014 or upon Serbia's accession into the European Union.

17. Each of ICITAP's four proposed projects would be monitored under the same principles. ICITAP works on performance management, whether in program planning, assessment of participants' views of our training efforts, evaluation of effectiveness of our use of

financial resources, or in some other way. We collect performance data as frequently as circumstances require and permit. ICITAP's most common form of performance data is the collection of participant's evaluations at the conclusion of each of our training courses and study visits. Through these written evaluations, we can obtain a picture, quantified to some degree, of the extent to which our offerings are considered effective, and the ways in which they can be improved. Another area of ICITAP performance measures is the co-location of Senior Police Advisors in the Ministry of Interior units receiving assistance. This allows ongoing daily monitoring of police officials work and implementation of lessons learned through USG assistance.

BRUSH